

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE	:	CHAPTER 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>ET AL.</i> ,	:	CASE NO. 08-13555 (SCC)
	:	
DEBTORS.	:	JOINTLY ADMINISTERED
	:	
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LEHMAN BROTHERS HOLDINGS INC.	:	ADVERSARY PROCEEDING
AND LEHMAN BROTHERS SPECIAL	:	
FINANCING INC.,	:	CASE NO. 13-01554 (SCC)
	:	
PLAINTIFFS,	:	
	:	
-AGAINST-	:	
	:	
GIANTS STADIUM LLC,	:	
	:	
DEFENDANT.	:	
	:	

STIPULATION AND SCHEDULING ORDER

This Stipulation and Order is entered into and submitted to the Court in accordance with the agreement of counsel for Lehman Brothers Holdings Inc. (“LBHI”), Lehman Brothers Special Financing Inc. (“LBSF,” and together with LBHI, “Lehman”), and Giants Stadium LLC (“Giants Stadium,” and together with Lehman, the “Parties”);

WHEREAS, by stipulation and order dated July 8, 2014, the parties agreed that the Proofs of Claim (Claim Nos. 64070 and 64071) are treated as filed and pending on the official claims registrar;

WHEREAS, on October 23, 2013, Lehman filed an adversary complaint against Giants Stadium;

WHEREAS, the Parties agree that the adversary proceeding and resolution of the Proofs of Claim would be best served by consolidating the actions at least for the purposes of pretrial discovery;

WHEREAS, the Parties have met and conferred and have mutually agreed on the terms below:

1. The Parties agree that all discovery by Lehman and Giants Stadium pursuant to Rule 2004 in this bankruptcy case is available to be used in connection with the adversary proceeding and the resolution of the Proofs of Claim.
2. The Parties agree that outstanding Rule 2004 document subpoenas to third parties (including Lehman's April 9, 2012 subpoena to Financial Guaranty Insurance Co., April 9, 2012 subpoena to the National Football League, May 8, 2013 subpoena to Goldman, Sachs & Co., May 23, 2013 subpoena to The Baupost Group, LLC, May 23, 2013 subpoena to Bank of America Corporation, and July 12, 2013 subpoena to Assured Guaranty Municipal Corp.) shall, subject to appropriate objections and responses, continue to be enforced and enforceable under the Federal Rules of Civil Procedure as if these subpoenas were served in connection with the adversary proceeding or the resolution of the Proofs of Claim.
3. The Parties acknowledge that Lehman Brothers, Inc. has voluntarily produced documents to Giants Stadium and this voluntary production shall be available to be used in connection with the adversary proceeding and the resolution of the Proofs of Claim.

Proof of Claim Pleadings

4. Any discovery taken or obtained pursuant to this Stipulation may be used, consistent with the applicable rules, in the adversary proceeding and in connection with the resolution of the Proofs of Claim.

5. Lehman shall have 45 days from July 8, 2014 to file and serve its objection to the Proofs of Claim.

6. Giants Stadium shall have 45 days from the date Lehman files and serves its objection to the Proofs of Claim to file and serve its reply, if any.

Giants Stadium's Answer in the Adversary Proceeding

7. Giants Stadium's answer, with any appropriate defense or counterclaim, to the adversary complaint shall be filed and served by September 8, 2014.

Discovery Dates

8. Initial disclosures, if any, shall be served by November 3, 2014.

9. By February 1, 2015, all motions to join new parties or to amend the pleadings in the adversary proceeding shall be submitted to the Court.

10. Fact depositions may commence on December 8, 2014.

11. All fact discovery (including third-party fact discovery) shall be completed by April 1, 2015.

12. By May 1, 2015, the Parties shall exchange any reports of proposed experts in compliance with all of the requirements of Fed. R. Civ. Pro. 26(a)(2).

13. By June 12, 2015, the Parties shall exchange any reports of proposed rebuttal experts in compliance with all of the requirements of Fed. R. Civ. Pro. 26(a)(2).

14. Discovery of expert witnesses shall be completed by July 22, 2015.

Further Scheduling

15. At the close of discovery, the parties shall meet and confer concerning a schedule for summary judgment (subject to compliance with Rule 7056-1 of the Local Bankruptcy Rules for the Southern District of New York) and motions to exclude expert

testimony, if any, in connection with the adversary proceeding and the process for resolving the Proofs of Claim.

16. The Court shall hold a conference at a time to be agreed to by the Parties subsequent to the close of discovery.

17. All deadlines herein may be extended by the agreement of the Parties, as so ordered by the Court, or through application to the Court by any Party for good cause. Nothing herein shall limit the rights of the Parties to use any discovery devices provided for in the Federal Rules of Civil Procedure.

18. Nothing herein shall be construed as waiving any rights of the Parties under Bankruptcy Rule 9014, the Federal Rules of Civil Procedure or any other applicable rules.

19. Notwithstanding anything above, service of all papers may be made by email, with hard copies to be sent promptly thereafter by overnight courier.

20. This stipulation may be executed in counterparts; a photocopy or a scanned PDF of this stipulation is deemed an original for all purposes, and facsimile, electronic, or scanned signatures may be submitted to the Court in lieu of original signatures.

IT IS HEREBY STIPULATED AND AGREED:

Dated this 16th day of July, 2014

WEIL, GOTSHAL & MANGES LLP

SULLIVAN & CROMWELL LLP

By: /s/ Richard W. Slack

By: /s/ Matthew A. Schwartz

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*Counsel for Lehman Brothers Holdings, Inc
and Certain of Its Affiliates*

Counsel for Giants Stadium LLC

IT IS SO-ORDERED:

July 21, 2014
New York, New York

/s/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE